

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

IN RE:	)	
	)	
PREMIER GOLF MISSOURI, LLC	)	Case No. 09-44526
	)	Chapter 11
	)	
Debtor.	)	

**38 AMEN CORNER, LLC'S MOTION TO CLARIFY  
MEMORANDUM OPINION AND ORDER DIRECTING COUNSEL  
FOR THE DEBTOR TO SERVE 38 AMEN CORNER, LLC**

COMES NOW, 38 Amen Corner, LLC, by and through its undersigned counsel,  
and for its Motion to Clarify Memorandum Opinion and Order Directing Counsel for the  
Debtor to Serve 38 Amen Corner, LLC (the "Memorandum Opinion") (Doc. # 123)  
entered on December 23, 2009, respectfully states as follows:

1. 38 Amen Corner, LLC is the backup bidder at the Bankruptcy Code § 363  
sale held on December 8, 2009.
2. Pursuant to the Court's December 8, 2009 Order Approving Sale of Real  
Estate (Doc. # 106), in conjunction with the Court's November 28, 2009 Order On  
Establishing Bidding Procedures in Connection with the Sale of the Debtor's Real  
Property (Doc. # 99), 38 Amen Corner, LLC, as backup bidder, was entitled to either: (i)  
receive a return of its \$120,000 Earnest Money Deposit if the successful bidder failed to  
close by December 22, 2009; or (ii) be given ten business days to close on the purchase  
of the subject property.
3. The Court's Memorandum Opinion, *inter alia*, extended certain deadlines  
including 38 Amen Corner's time to close by ten *calendar* days.

4. 38l Amen Corner's principals have been in contact with the various parties and understand the successful bidder may close on the sale of the property the week of December 28, 2009. If the successful bidder does in fact close on or before January 4, 2010, this Motion may be denied as moot.

5. However, in an abundance of caution, and in the event the successful bidder fails to close on or before January 4, 2010 in accordance with the Memorandum Opinion, 38 Amen Corner, LLC respectfully requests an opportunity to raise the following issues with the Court:

- a) The deadline for 38 Amen Corner, LLC to close on the sale of the subject property; and
- b) Whether the December 8, 2009 sale should be voided and a new auction conducted because of recent developments and recent disclosures to the Court regarding the relationship of various parties to this action.

WHEREFORE, 38 Amen Corner, LLC respectfully requests the Court's Order:

- (i) Denying as Moot this Motion if the successful bidder closes on the sale of the subject property on or before January 4, 2010;
- (ii) In the event the successful bidder fails to close on or before January 4, 2010, Setting a hearing on or after January 5, 2010 to discuss closing and bidding issues; and
- (iii) For such other and further relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

LATHROP & GAGE LLP

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**ATTORNEYS FOR 38 AMEN CORNER, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was served via ECF Notice on those parties having entered their appearance in the Court's Electronic Court Filing (ECF) System and conventionally, via first-class U.S. Mail, postage prepaid, to those parties who have requested notice but are not participating in the ECF System, pursuant to instruction appearing on the Electronic Filing Receipt received from the U.S. Bankruptcy Court on this 23<sup>rd</sup> day of December, 2009.

/s/ Brian M. Holland  
An Attorney for 38 Amen Corner, LLC